

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1747  
Corrected Copy 5/17/05

Short Title: Appropriate Education for Suspended Students. (Public)

Sponsors: Representatives Preston, Bell, Parmon, Stam (Primary Sponsors);  
Alexander, Allred, Bordsen, Carney, Clary, Cunningham, Faison, Glazier,  
Goodwin, Gulley, Harrison, Jones, Luebke, McMahan, Ross, Setzer,  
Wainwright, Weiss, Womble, Wray, and Wright.

Referred to: Rules, Calendar, and Operations of the House.

May 12, 2005

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT SCHOOLS PROVIDE AN APPROPRIATE  
EDUCATION, IN ACCORDANCE WITH STATE AND FEDERAL LAW, TO  
STUDENTS WHO ARE SUSPENDED OR EXPELLED FROM PUBLIC  
SCHOOL.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 115C of the General Statutes is amended by adding a  
new section to read:

**"§ 115C-397.2. Education of suspended students or expelled students.**

(a) If a child is recommended for long-term suspension or expulsion, the principal shall immediately refer the matter to the superintendent for review. The superintendent shall place the child in an appropriate educational program in accordance with Article 9, Chapter 115C of the General Statutes and rules adopted by the State Board of Education for Programs for Children with Special Needs as if the child were a child with special needs. The State Board shall adopt specific rules regarding the placement of suspended or expelled children into appropriate educational environments.

(b) The superintendent shall involve the child's parent or guardian in the planning process to determine the child's placement. The parent or guardian may appeal any placement decision under rules and procedures for children with special needs."

**SECTION 2.** The Department of Public Instruction, in collaboration with the Department of Juvenile Justice and Delinquency Prevention, shall continue to study ways for schools to prevent the suspension of students.

**SECTION 3.** G.S. 115C-47(32a) reads as rewritten:

**"§ 115C-47. Powers and duties generally.**

In addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty:

1 ...  
2 (32a) To Establish Alternative Learning Programs and Develop Policies and  
3 Guidelines. – Each local board of education shall establish at least one  
4 alternative learning program and shall adopt guidelines for assigning  
5 students to alternative learning programs. These guidelines shall  
6 include (i) a description of the programs and services to be provided,  
7 (ii) a process for ensuring that an assignment is appropriate for the  
8 student and that the student's parents are involved in the decision, and  
9 (iii) strategies for providing alternative learning programs, when  
10 feasible and appropriate, for students who are subject to long-term  
11 suspension or expulsion. In developing these guidelines, local boards  
12 shall consider the State Board's policies and guidelines developed  
13 under G.S. 115C-12(24). Upon adoption of policies and guidelines  
14 under this subdivision, local boards are encouraged to incorporate  
15 them in their safe school plans developed under G.S. 115C-105.47.

16 The General Assembly urges local boards to adopt policies that  
17 prohibit superintendents from assigning to any alternative learning  
18 program any professional public school employee who has received  
19 within the last three years a rating on a formal evaluation that is less  
20 than above standard.

21 Local boards shall assess on a regular basis whether the unit's  
22 alternative schools and alternative learning programs incorporate best  
23 practices for improving student academic performance and reducing  
24 disruptive behavior, are staffed with professional public school  
25 employees who are well trained and provided with appropriate staff  
26 development, are organized to provide coordinated services, and  
27 provide students with high quality and rigorous academic instruction.

28 All local school administrative units shall have quality alternative  
29 programs for middle school students by the beginning of the  
30 2006-2007 school year and for high school students by the beginning  
31 of the 2007-2008 school year. These schools shall meet standards for  
32 sound basic education as adopted by the State Board of Education."

33 **SECTION 4.** There is appropriated from the General Fund to the  
34 Department of Public Instruction the sum of twenty million dollars (\$20,000,000) for  
35 the 2005-2006 fiscal year and the sum of twenty million dollars (\$20,000,000) for the  
36 2006-2007 fiscal year. The Department of Public Instruction, in cooperation with the  
37 Department of Juvenile Justice and Delinquency Prevention, shall make these funds  
38 available to local school administrative units and Juvenile Crime Prevention Councils  
39 for collaborative alternative programs. Local school administrative units without  
40 alternative programs shall have first priority for these funds.

41 **SECTION 5.** This act becomes effective July 1, 2005.